

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**JESSICA JONES, MICHELLE VELOTTA,**  
and **CHRISTINA LORENZEN** on Behalf of  
Themselves and All Others Similarly Situated,

Plaintiffs,

v.

**VARSITY BRANDS, LLC; VARSITY  
SPIRIT, LLC; VARSITY SPIRIT FASHION  
& SUPPLIES, LLC; U.S. ALL STAR  
FEDERATION, INC.; JEFF WEBB;  
CHARLESBANK CAPITAL PARTNERS  
LLC; and BAIN CAPITAL PRIVATE  
EQUITY,**

Defendants.

Case No. 2:20-cv-02892-SHL-cgc

**JURY DEMAND**

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**JOINT MOTION FOR AN ORDER EXTENDING DEADLINE TO SUBMIT DISPUTES  
REGARDING REQUESTS FOR PRODUCTION**

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Plaintiffs Jessica Jones, Michelle Velotta, and Christina Lorenzen (“Plaintiffs”) and Defendants Varsity Brands, LLC; Varsity Spirit, LLC; Varsity Spirit Fashion & Supplies, LLC, (collectively with Varsity Brands, LLC; Varsity Spirit, LLC, “Varsity”), U.S. All Star Federation, Inc. (“USASF”); Jeff Webb; Charlesbank Capital Partners LLC; and Bain Capital Private Equity (collectively, “Defendants”; together with Plaintiffs, “the Parties”) jointly move this Court, pursuant to Fed. R. Civ. P. 16(b)(4), for the entry of an amended scheduling order extending the deadline for the Parties to submit any disputes regarding the production of documents to September 17, 2021.

Plaintiffs served their First Requests for Production of Documents on all Defendants except Jeff Webb on March 26, 2021. Plaintiffs served amended Requests for Production on

Varsity on March 29, 2021. Plaintiffs served their First Requests for Production on Jeff Webb on April 8, 2021.

On April 26, 2021, all Defendants except Jeff Webb served their Responses to Plaintiffs' First Requests for Production. On May 10, 2021, Mr. Webb served his Responses.

On May 11, 2021, the Plaintiffs and Varsity met and conferred regarding Varsity's responses. Plaintiffs and Varsity have continued to meet and confer in the intervening time. On June 9, 2021, Plaintiffs began the meet and confer process with the remaining Defendants. Plaintiffs have met and conferred with all Defendants. These consultations are ongoing.

The Court's Scheduling Order originally required the Parties to submit any disputes regarding documents to be produced to the Court by June 24, 2021 (90 days from the date of service of the requests for production).

On June 17, 2021, the Parties moved the Court for an extension of the deadline for disputes regarding document production to July 30, 2021. On June 22, 2021 the Court granted the Parties' motion.

In the intervening weeks the Parties have met and conferred multiple times and exchanged letters and emails in a good faith effort to reach agreement on the custodians, search terms, relevant time period, and the scope of the requests for which the Parties would produce responsive documents. While significant progress has been made, there are still outstanding issues that the Parties believe can be narrowed or resolved with sufficient time to continue the negotiations.

On June 28, 2021, six days after the Court's order extending the motion deadline, Magistrate Judge Claxton issued an Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel in *Fusion Elite All Stars v. Varsity Brands, LLC*, Case No. 2:20-cv-02600-SHL-cgc, a companion to this case. (ECF No. 133.) In her Order, Magistrate Judge Claxton ordered the *Fusion* plaintiffs to identify the custodians likely to possess responsive documents for each area of inquiry in their requests for production and specify the search terms to run against those custodians' documents as well as the time period.

The Parties have agreed that a second extension of the deadline to submit disputes to the Court regarding the production of documents until September 17, 2021, would give the Parties sufficient time to resolve many of their remaining disputes and maximize judicial efficiency by minimizing the disputes the Parties will need to ask the Court to resolve.

The Parties are aware that this is their second request for an extension, but believe good cause exists to justify the extension. In addition to the Parties continued efforts to reach accommodation on the scope of the discovery sought, Magistrate Claxton's Order has required additional research by Plaintiffs to identify custodians, search terms, and time periods for each area of inquiry, and more complex negotiations between the Parties in light of the additional factors involved in establishing the contours of the document requests.

Under Sixth Circuit law "[t]he primary measure of Rule 16's 'good cause' standard is the moving party's diligence in attempting to meet the case management order's requirements." *Bank of Am., N.A. v. Corporex Realty & Investment Corp.*, 661 F. App'x 305, 317 (6th Cir. 2016) (quoting *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002)). Here, the Parties are moving jointly and have diligently negotiated the scope of productions in response to the first Requests for Production as per the Scheduling Order in an effort to come to agreement.

The Parties believe that extending the deadline for submission of document production disputes to September 17, 2021 will allow sufficient time for the Parties to reach agreement in all areas where compromise is possible, thus clarifying the scope of the discovery sought and reducing the number and breadth of any remaining issues for the Court to resolve. The Parties agree that all other deadlines set by the Court will remain the same.

Accordingly, the Parties respectfully request that the Court issue an order extending the deadline to submit disputes to the Court regarding the Parties' production of documents to September, 17, 2021.

Dated: July 28, 2021

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

Joseph R. Saveri\*  
Steven N. Williams\*  
Ronnie Seidel Spiegel\*  
Kevin E. Rayhill\*  
Elissa A. Buchanan\*  
Anna-Patrice Harris\*  
**JOSEPH SAVERI LAW FIRM, LLP**  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
swilliams@saverilawfirm.com  
rspeigel@saverilawfirm.com  
krayhill@saverilawfirm.com  
eabuchanan@saverilawfirm.com  
aharris@saverilawfirm.com

Van Turner (TN Bar No. 22603)  
**BRUCE TURNER, PLLC**  
2650 Thousand Oaks Blvd., Suite 2325  
Memphis, Tennessee 38118  
Telephone: (901) 290-6610  
Facsimile: (901) 290-6611  
Email: vturner@bruceturnerlaw.net

Daniel E. Gustafson  
Daniel C. Hedlund  
Daniel J. Nordin  
Ling S. Wang  
**GUSTAFSON GLUEK PLLC**  
Canadian Pacific Plaza  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Telephone: (612) 333-8844  
Facsimile: (612) 339-6622  
Email: dgustafson@gustafsongluek.com  
dhedlund@gustafsongluek.com  
dnordin@gustafsongluek.com  
lwang@gustafsongluek.com

Richard M. Paul III\*  
Sean R. Cooper\*  
**PAUL LLP**  
601 Walnut, Suite 300  
Kansas City, Missouri 64106  
Telephone: (816) 984-8100  
Email: rick@paulllp.com  
sean@paulllp.com

Jason S. Hartley\*  
**HARTLEY LLP**  
101 West Broadway, Suite 820  
San Diego, CA 92101  
Telephone: (619) 400-5822  
Email: hartley@hartleyllp.com

\* *Admitted pro hac vice*

*Attorneys for Individual and Representative Plaintiffs*

By: /s/ Steven J. Kaiser  
Steven J. Kaiser

George S. Cary  
Mark W. Nelson  
Alexis Collins  
Steven J. Kaiser  
**CLEARY GOTTlieb STEEN &  
HAMILTON LLP**  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
gcary@cgsh.com  
mnelson@cgsh.com  
alcollins@cgsh.com  
skaiser@cgsh.com

Matthew S. Mulqueen  
Adam S. Baldridge  
**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ**  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
Phone: (901) 526-2000  
Fax: (901) 577-0866  
mmulqueen@bakerdonelson.com  
abaldridge@bakerdonelson.com

*Attorneys for Varsity Brands, LLC, Varsity  
Spirit, LLC, Varsity Spirit Fashions &  
Supplies, LLC, Charlesbank Capital Partners  
LLC; and Bain Capital Private Equity*

By: /s/ Paul Coggins  
Paul Coggins

Paul Coggins\* (TX Bar #04504700)  
Brendan Gaffney\* (TX Bar #24074239)  
**LOCKE LORD LLP**  
2200 Ross Avenue, Suite 2800  
Dallas, TX 75201  
Phone: (214) 740-8000  
Fax: (214) 740-8800  
pcoggins@lockelord.com  
bgaffney@lockelord.com

Talis C. Trevino\* (GA Bar #181896)  
**LOCKE LORD LLP**  
Terminus 200, Suite 1200  
3333 Piedmont Road NE  
Atlanta, GA 30305  
Phone: (404) 870-4600  
Fax: (404) 872-5547 (fax)  
talis.trevino@lockelord.com

\* Admitted *pro hac vice*

Edward L. Stanton III (TN Bar #018904)  
**BUTLER SNOW LLP**  
6075 Poplar Avenue, Suite 500  
Memphis, Tennessee 38119  
Telephone: (901) 680-7336  
Facsimile: (901) 680-7201  
Edward.Stanton@butlersnow.com

*Attorneys for Jeff Webb*

By: /s/ Nicole D. Berkowitz  
Nicole D. Berkowitz

Grady M. Garrison (TN Bar #008097)  
Nicole D. Berkowitz (TN Bar #35046)  
Andrew Roach (TN Bar #37934)  
**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
Telephone: (901) 577-2357

Facsimile: (901) 577-0846

Email: ggarrison@bakerdonelson.com

Email: nberkowitz@bakerdonelson.com

Email: aroach@bakerdonelson.com

*Counsel for Defendant U.S. All Star  
Federation, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2021, I served a copy of the foregoing document via the Court's ECF system, effecting service on all interested parties.

/s/ Joseph R. Saveri

Joseph R. Saveri